

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

ANTHONY BENARD COOK,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 1:05CV211 HEA
	)	
STEVE LONG, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff's Motion for Settlement, [Doc. No. 34]. On June 30, 2006, plaintiff filed a Notice of Appeal of this Court's dismissal without prejudice of his Complaint for failure to exhaust all of his administrative remedies. Plaintiff and the court were notified of plaintiff's appeal by Eighth Circuit Court of Appeals on August 8, 2006.

Once a notice of appeal is filed, the district court is divested of jurisdiction over matters on appeal. *See Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58, 103 S.Ct. 400, 74 L.Ed.2d 225 (1982); *Liddell v. Board of Educ.*, 73 F.3d 819, 822 (8th Cir.1996). *State ex rel. Nixon v. Coeur D'Alene Tribe* 164 F.3d 1102, 1106 -1107 (8th Cir. 1999). This Court is therefore without jurisdiction to consider further issues in this matter, and the Court will not address the merits of the

motion.

Dated this 27th day of October, 2006.

A handwritten signature in cursive script, reading "Henry Edward Autrey", positioned above a horizontal line.

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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE